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16 BABYBUS (FUJIAN) NETWORK  
17 TECHNOLOGY CO., LTD

18 UNITED STATES DISTRICT COURT  
19 NORTHERN DISTRICT OF CALIFORNIA  
20 SAN FRANCISCO DIVISION

21 MOONBUG ENTERTAINMENT LIMITED  
22 and TREASURE STUDIO, INC.,

23 Plaintiffs,

24 v.

25 BABYBUS (FUJIAN) NETWORK  
26 TECHNOLOGY CO., LTD,

27 Defendant.

28 BABYBUS (FUJIAN) NETWORK  
TECHNOLOGY CO., LTD,

Counter-Plaintiff,

v.

MOONBUG ENTERTAINMENT LIMITED  
and TREASURE STUDIO, INC.,

Counter-Defendants.

CASE NO. 4:21-CV-06536-EMC

**BABYBUS (FUJIAN) NETWORK  
TECHNOLOGY CO., LTD'S  
OPPOSITION TO MOONBUG  
ENTERTAINMENT LIMITED AND  
TREASURE STUDIO INC.'S MOTION  
TO DISMISS**

Hearing Date: November 30, 2021  
Hearing Time: 10:00 AM  
Hearing Location: 5, 17<sup>th</sup> Floor

Judge: Honorable Edward M. Chen

1 Defendant and Counterclaimant BabyBus (Fujian) Network Technology Co. Ltd.  
2 (“BabyBus”) will be timely filing amended counterclaims on November 9, 2021—21 days  
3 following service of plaintiffs’ October 19, 2021, motion to dismiss, and within the period Rule 15  
4 allows for amendments of right. *See* Fed. R. Civ. P. 15 (“A party may amend its pleading once as  
5 a matter of course within ... 21 days after service of a responsive pleading or 21 days after service  
6 of a motion under Rule 12(b), (e), or (f), whichever is earlier.”). BabyBus’s filing of amended  
7 counterclaims will moot plaintiffs’ motion to dismiss. *See, e.g., Cisco Sys., Inc. v. Dexon Computer,*  
8 *Inc.*, 2021 WL 2207343, at \*1 n. 2 (N.D. Cal. June 1, 2021) (“The Court denies Dexon’s motion to  
9 dismiss the original complaint as moot based on the filing of the amended complaint.”); *see also*  
10 *Ramirez v. Cty. of San Bernardino*, 806 F.3d 1002, 1009 (9th Cir. 2015) (“Because the timely filed  
11 Second Amended Complaint mooted the motion to dismiss, we reverse the district court’s grant of  
12 Defendants’ motion to dismiss the superseded First Amended Complaint and the resulting dismissal  
13 of the Plaintiff’s case.”). Accordingly, once BabyBus’s amended counterclaims are filed on  
14 November 9, plaintiffs’ pending motion to dismiss should be denied as moot.

15 DATED: November 2, 2021

QUINN EMANUEL URQUHART & SULLIVAN, LLP

16  
17 By /s/ Sam S. Stake

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